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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,887	12/21/2005	Martin Hottner	FA/256	1077
28596 7590 10/11/2007 GORE ENTERPRISE HOLDINGS, INC. 551 PAPER MILL ROAD P. O. BOX 9206 NEWARK, DE 19714-9206			EXAMINER O HERN, BRENT T	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,887

Applicant(s)

HOTTNER, MARTIN

Examiner

Brent T. O'Hern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 19-22, 24-29 and 34-54 is/are pending in the application.
- 4a) Of the above claim(s) 54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 19-22, 24-29 and 34-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims

1. Claims 17, 19-22, 24-29 and 34-54 are pending with claim 54 withdrawn.

WITHDRAWN OBJECTIONS

2. The objections of record in the Office Action mailed 21 March 2007, pp. 2-3, paras. 2-6 have been withdrawn due to Applicant's amendments in the Paper filed 21 September 2007.

WITHDRAWN REJECTIONS

3. The 35 U.S.C. 112, second paragraph rejections of claims 43-45 of record in the Office Action mailed 21 March 2007, page 3, paragraph 7 have been withdrawn due to Applicant's amendments in the Paper filed 21 September 2007.
4. The 35 U.S.C. 102(b) rejections of claims 15-20, 24-25, 29, 34-35 and 41-46 as being anticipated by Sakhpara (EP 0 410 292) of record in the Office Action mailed 21 March 2007, page 4, paragraph 8 have been withdrawn due to Applicant's amendments in the Paper filed 21 September 2007.
5. The 35 U.S.C. 103 rejections of claims 17, 21-22, 26-29, 36-42, 48-53, 55-56 and 58-65 as being unpatentable over Goodwin (WO 99/16620) in view of Sakhpara (EP 0 410 292) of record in the Office Action mailed 21 March 2007, page 8, paragraph 9 have been withdrawn due to Applicant's amendments in the Paper filed 21 September 2007.
6. The 35 U.S.C. 103 rejections of claims 47 and 57 as being unpatentable over Goodwin (WO 99/16620) in view of Sakhpara (EP 0 410 292) and Sacre (Re. 34,890) of

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record in the Office Action mailed 21 March 2007, page 12, paragraph 10 have been withdrawn due to Applicant's amendments in the Paper filed 21 September 2007.

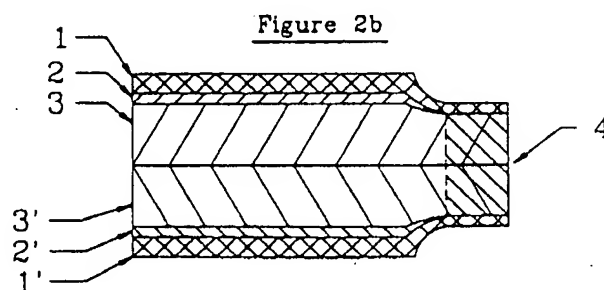
NEW REJECTIONS

Claim Rejections - 35 USC § 102

7. Claims 17, 19-20, 24-25, 29, 34-35 and 41-46 are rejected under 35

U.S.C. 102(b) as being anticipated by Sakhpara (EP 0 410 292).

Regarding claims 17, 29 and 41-42, Sakhpara ('292) teaches a combination of at least a first laminate having a first edge and a second laminate having a second edge joined together at a welded seam in an edge area (*See col. 2, ll. 31-51 and FIG-2b, entire FIG.*), wherein each of the laminates has a laminate-thickness and the welded seam has a seam-thickness wherein the seam-thickness is substantially equal to the laminate-thickness (*See FIG-2b wherein the seam is thinner than the combined top and bottom layers, thus substantially equal.*),



each of the laminates comprising: a first layer comprising a waterproof functional layer (*col. 2, ll. 31-33 and FIG-2b, #1*) and a second textile layer laminated to the first layer and comprising at least a first component and a second component (*See col. 2, ll. 31-51 and FIG-2b #2 and #3.*), the first component being stable to a first temperature and the second component melting at a second temperature (*FIG-2b and col. 4, ll. 22-*

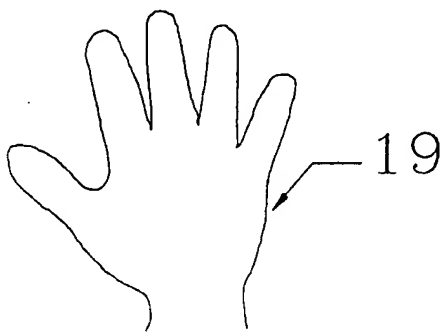
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24), wherein the first temperature is higher than the second temperature (*col. 4, ll. 22-24 and col. 3, ll. 24-57*), and the first edge is oriented to the second edge in a substantially edge-to-edge butted orientation (*col. 2, ll. 41-43 and FIG-2b*).

The phrase **“wherein the seam (80) is formed by the melted second component and the non-melted first component of the textile layers of each laminate”** in claim 17, lines 14-15, **“wherein the second component is melted using ultrasonic energy”** in claim 41, lines 1-2 and **“wherein the seam (80) is formed continuously”** in claim 42, lines 1-2 are process limitations in a product claim and hence not given any patentable weight since patentability of a product does not depend on its method of production (*see MPEP § 2173.05(p)*).

The phrase **“wherein the seam (80) has a width less than 0.25 cm”** in claim 29, lines 1-2 is interpreted as non-limiting since the width includes a width of 0 cm.

Regarding claim 19, Sakhpara ('292) teaches wherein the welded seam is substantially non-linear (*See FIG-1, wherein the outline of the glove curves.*).



Regarding claim 20, Sakhpara ('292) teaches wherein the welded seam (80) is in the form of at least one curvature to form a three-dimensional combination (*See FIG-1, wherein the outline of the glove curves.*).

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Regarding claim 24, Sakhpara ('292) teaches wherein the second component is meltable at a temperature in the range of from 160 °C to 230 °C (*col. 4, ll. 22-23 and col. 3, ll. 24-57*).

Regarding claim 25, Sakhpara ('292) teaches wherein the first component is stable to a temperature of at least 180 °C (*FIG-2b, #2 and col. 4, ll. 22-24*).

Regarding claim 34, Sakhpara ('292) teaches wherein the second layer is a knitted, woven or non-woven textile layer (*col. 3, ll. 40-42*).

Regarding claim 35, Sakhpara ('292) teaches wherein the first component is a polyester or a polyamide (*col. 4, ll. 7-8 and col. 3, ll. 55-57*).

Regarding claim 43, Sakhpara ('292) teaches wherein the first layer is a membrane or a film (*col. 2, ll. 31-33 and FIG-2b, #1*).

Regarding claim 44, Sakhpara ('292) teaches wherein the first layer is selected from the group of materials consisting of polyesters or polyamides, polyolefins (*col. 3, l. 56*).

Regarding claim 45, Sakhpara ('292) teaches wherein the first layer is made from expanded polytetrafluoroethylene (PTFE) (*col. 3, ll. 24-26*).

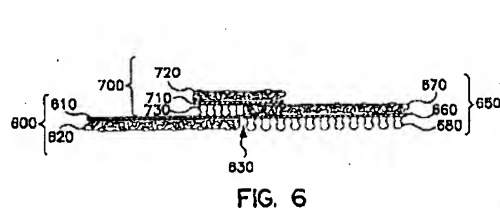
Regarding claim 46, Sakhpara ('292) teaches articles of clothing made from the combination (*col. 3, ll. 24-26*).

Claim Rejections - 35 USC § 103

8. Claims 17, 21-22, 26-29, 36-42 and 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin (WO 99/16620) in view of Sakhpara (EP 0 410 292).

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Regarding claims 17, 29 and 41-42, Goodwin ('620) teaches a combination of at least a first laminate having a first edge and a second laminate having a second edge joined together at a seam in an edge area (*FIG-6, #600 and #650 joined together at #630*), each of the laminates comprising: a first layer comprising a waterproof functional layer (*p. 5, ll. 3-4*), and a second textile layer laminated to the first layer and comprising at least a first component and a second component (*See FIG-6, multi-layers of #600 and #650.*), the first component being stable to a first temperature and the second component melting at a second temperature (*p. 7, ll. 4-8*), wherein the first temperature is higher than the second temperature (*p. 7, ll. 4-8*), and the first edge is oriented to the second edge in a substantially edge-to-edge butted orientation (*FIG-6, #600 and #650 joined together at #630*), however, fails to expressly disclose joined together at a welded seam in an edge area and wherein each of the laminates has a laminate-thickness and the welded seam has a seam-thickness wherein the seam-thickness is substantially equal to the laminate-thickness.



However, Sakhpara ('292) teaches joined together at a welded seam in an edge area (*See col. 2, ll. 31-51 and FIG-2b, entire FIG.*) and wherein each of the laminates has a laminate-thickness and the welded seam has a seam-thickness wherein the seam-thickness is substantially equal to the laminate-thickness (*See FIG-2b wherein*

the seam is thinner than the combined top and bottom layers, thus substantially equal.)
for the purpose of providing a waterproof article (*col. 2, ll. 31-40*).

Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to provide a welded seam as taught by Sakhpura ('292) in Goodwin ('620) in order to provide a waterproof article.

Regarding claims 21 and 52, Goodwin ('620) teaches wherein the welded seam is reinforced by at least one reinforcement (*FIG-6, #600*).

The phrase **"wherein said at least one reinforcement comprises a seam tape having a width of 10 mm or less"** in claim 52, lines 1-2 is interpreted as non-limiting since the width includes a width of 0 cm.

Regarding claim 22, Goodwin ('620) teaches wherein the reinforcement is selected from the group of materials comprising tapes (*FIG-6, #600*).

Regarding claim 26, Goodwin ('620) teaches wherein the difference between the first temperature and the second temperature is at least 20 °C (*p. 7, ll. 7-8*).

Regarding claims 27-28, Goodwin ('620) teaches wherein the seam (80) withstands a water entry pressure of at least 0.07/(0.13) bar (*p. 6, ll. 32-34*).

Regarding claim 36, Goodwin ('620) teaches wherein the first component is polyamide (*p. 22, l. 7 and p. 16, Table #1*).

Regarding claim 37, Goodwin ('620) teaches wherein the second component is a thermoplastic (*p. 16, Table #1*).

Regarding claim 38, Goodwin ('620) teaches wherein the second component is selected from the group of thermoplastics comprising co-polyester, polyamide, co-polyamide and polyolefin (*p. 16, Table #1*).

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Regarding claim 39, Goodwin ('620) teaches wherein the second component is a polypropylene (*p. 16, Table #1*).

Regarding claim 40, Goodwin ('620) teaches wherein the second component is a polyamide (*p. 16, Table #1*).

Regarding claim 48, Goodwin ('620) teaches wherein the at least one reinforcement comprises a seam tape comprising a textile tape (*FIG-6, #700 and p. 21, ll. 9-19*).

Regarding claim 49, Goodwin ('620) teaches wherein the at least one reinforcement comprises a seam tape comprising a laminate tape (*FIG-6, #700 and p. 21, ll. 9-19*).

Regarding claim 50, Goodwin ('620) teaches wherein the at least one reinforcement comprises a seam tape comprising a waterproof tape (*FIG-6, #700 and p. 20, ll. 14-22*).

Regarding claim 51, Goodwin ('620) teaches wherein the at least one reinforcement comprises a seam tape comprising a thermoplastic film (*FIG-6, #700 and p. 20, ll. 14-22*).

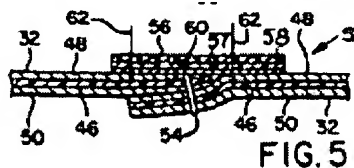
Regarding claim 53, Goodwin ('620) teaches wherein the at least one reinforcement comprises a seam tape comprising a laminate of a woven bi-component textile layer, a functional layer and a knitted bi-component textile backer layer (*FIG-6, #700*).

9. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin (WO 99/16620) in view of Sakhpara (EP 0 410 292) and Sacre (Re. 34,890).

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Goodwin ('620) teaches the combination discussed above, however, fails to expressly disclose wherein the at least one reinforcement comprises a seam tape comprising an adhesive tape.

However, Sacre ('890) teaches wherein the seam tape comprises an adhesive tape (FIG-5, #58 and col. 4, ll. 27-61) for the purpose of bonding the materials together (col. 4, ll. 27-61 and FIG-5).



Therefore, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to provide a seam tape comprising an adhesive tape, as taught by Sacre ('890) in Goodwin ('620) in order to bond the materials together.

ANSWERS TO APPLICANT'S ARGUMENTS

10. In response to Applicant's argument (*p. 6, paras. 5-6 of Applicant's Paper filed 21 September 2007*) that Sakhpara ('292) does not teach a textile made up from yarns, it is noted that Applicant does not claim a textile made of yarns, thus, Applicant's argument is not relevant to any issue at bar.

11. In response to Applicant's argument (*p. 7, paras. 1-2 of Applicant's Paper filed 21 September 2007*) that the dot pattern of the application of adhesive per Sakhpara ('292) does not provide for "strong seams", it is noted that Applicant does not claim a particular adhesive pattern or "strong seams", thus, Applicant's argument is not germane to any issue at bar.

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12. In response to Applicant's argument (*p. 7, paras. 3-5 of Applicant's Paper filed 21 September 2007*) that Goodwin ('620) does not teach the claims rejected per 35 USC 103 because Goodwin ('620) does not disclose "edge-to-edge butted orientation", it is noted that Applicant does not claim said limitation, thus, Applicant's argument is not germane to any issue at bar.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

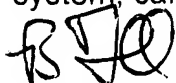
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on Monday -Thursday, 9:00-6:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brent T O'Hern
Examiner
Art Unit 1794
October 1, 2007


NASSER AHMAD 10/9/07
PRIMARY EXAMINER